

Ej Suit 336 of 2014
WBPS01-000550-2014

Before: Smt. Sudipa Banerjee, Ld. Judge, 3rd Bench

Order no. 56

Date: 08-12-2022

Today is fixed for filing amended plaint by the plaintiffs and hearing of the petition u/s 151 of C.P.C. dt. 09.02.2022.

Plaintiffs file hazira and amended copy of plaint. Copy served.

Let the same be kept with the record.

Defendant no 3 files hazira.

Today, the petition u/s 151 of C.P.C. filed by the plaintiffs dt. 09.02.2022 is taken up for hearing.

Heard Ld. Advocate for both sides.

Perused the petition and materials on record.

By the instant petition plaintiffs have contended that, defendant no 4 Uttam Kumar Mullick died intestate on 21.02.2020 leaving behind him, his wife Smt. Saramila Mullick as his legal heirs and representative. As such legal heirs of the deceased defendant no 4 be substituted in the cause title of the plaint. Due to COVID-19 pandemic and suspension of work, petitioner could not file the petition in time.

Considered.

It appears from the record that, defendant no 4 died on 21.02.2020 but application for substitution has been filed on 09.02.2022. Hon'ble Supreme Court of India has provided relief to the person affected during the lock down for the COVID 19 pandemic where functioning of the Offices including Courts remained suspended for a long time.

The Hon'ble Supreme Court of India in Suo-Motu Writ Petition No. 03 of 2020 has been pleased to extend the period of limitation in all proceedings before Court and Tribunals w.e.f. 15.03.2020 upto 28.02.2020.

Contd....

Ej Suit 336 of 2014
WBPS01-000550-2014

Before: Smt. Sudipa Banerjee, Ld. Judge, 3rd Bench

Order no. 56 contd.....

Date: 08-12-2022

Under the circumstances, this Court is inclined to allow the substitution petition dt. 09.02.2022 filed by the plaintiffs.

Hence, it is

Ordered

that , the petition u/s 151 of C.P.C. filed by the plaintiffs dt. 09.02.2022 is hereby allowed.

Let the name of the deceased defendant no 4 Uttam Kumar Mullick be substituted by (4) Smt. Saramila Mullick – wife in the cause title of the plaint.

Note in the register. Bench Clerk to do the needful.

Plantiffs are directed to file amended copy of plaint and serve copy of the amended plaint upon the defendants.

Fix 04-01-2023 for filing amended plaint by the plaintiffs.

Sudipa Banerjee
(J.O. Code: WB 01148)
Judge,
3rd Bench,
Presidency Small Cause Court,
Calcutta